

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 22, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Vogel (Miriam A.), Acting P.J., Rothschild, J., Jackson, J. (Assigned) and S. Stahl, Deputy Clerk.

Each of the following:

B197806 People v. Kevin B.
B199557 People v. Christopher
B200414 People v. Sanders
B200584 People v. Pablo G.
B200930 People v. Marcos R.
B200828 DCFS v. Rudy C.
B201286 DCFS v. Macario C.
B201482 DCFS v. James H.
B205739 Javier C. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

B197743 Wang
 v.
 Director of the Department of Motor Vehicles

Merits:

Argued by Martin H. Milas for appellant and Ricky W. Poon waived argument for respondent. Cause submitted.

DIVISION ONE (continued)

B195748 Roth
 v.
 California Coastal Commission et al.

Merits:

Argued by David S. Alverson for appellant, by Hayley Peterson, Deputy Attorney General, for respondent Coastal Commission and by David Weinsoff for respondent Access for All. Cause submitted.

B189878 People
 v.
 Braggs

Merits:

Argued by Chung L. Mar, Deputy Attorney General, for respondent and no appearance for appellant. Cause submitted.

B196158 People
 v.
 Harris

Merits:

Argued by James Koester for appellant and by Nancy G. James, Deputy Attorney General, for respondent. Cause submitted.

B197281 Parvizian
 v.
 Parvizian

Merits:

Argued by Syrus Parvizian, appellant in propria persona. Respondent waived argument. Cause submitted.

April 22, 2008 (Continued)

DIVISION ONE (continuejd)

B200091 Takahashi
 v.
 Delap

Merits:

Argued by James H. Casello for appellant and by Coby R. Halavais for respondent. Cause submitted.

B195842 Baghikian
 v.
 Gibson

Merits:

Argued by Geoffrey G. Melkonian for respondent and no appearance by appellant. Cause submitted.

Court adjourned.

DIVISION TWO

B199092 Perez
 v.
 Marshall

Filed order denying petition for rehearing.

DIVISION THREE

B198388 Van Keulen et al. (Certified for Publication)

v.

Cathan Pacific Airways, Ltd., et al.

The judgment is affirmed. Cathay shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Aldrich, J.

B191035 Edwards (Certified for Publication)

v.

Edwards

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The March 16, 2006 order modifying monthly child support from \$700 to \$432, effective January 1, 2004, is reversed. The matter is remanded to the trial court with directions to enter a new order reducing monthly child support to zero, effective January 1, 2004. Oscar shall recover costs on appeal.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

B200959 Employers Reinsurance Company et al.

v.

S.C.L.A. (Thorpe Insulation Company, r.p.i.)

Filed order modifying opinion. No change in the judgment)

DIVISION THREE (continued)

B203152 People
 v.
 Casey Rowland, Clifton G. Brown
 Toyre Tempson, Betrum J. Westrook

B203209 People
 v.
 Gregory Morris

Filed order consolidating above captioned appeals.

DIVISION FOUR

B191764 Quick Pick Express, LLC (Not for Publication)
 v.
 Quick Pick Express, Inc., et al.

The judgment is reversed. The matter is remanded with directions to the trial court to strike the \$480,000 award in favor of LLC on its concealment claim and the award of attorney fees and costs to LLC, Stos, and Boyle. The trial court is to make a new determination regarding prevailing parties and make a new award of attorney fees and costs if necessary. Inc. and the Javors shall recover their costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
 Suzukawa, J.

April 22, 2008 (Continued)

DIVISION FOUR (continued)

B198755 Nazaryan (Not for Publication)
v.
Tonoyan

The March 28, 2007 order striking Ripsime Tonoyan's answer to the nunc pro tunc to include the property descriptions) to be entered against Ripsime Tonoyan is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B196852 Empire Film Productions, Inc. (Not for Publication)
v.
Arenas Entertainment, et al.

The judgment is reversed and the cause is remanded to the trial court to vacate its prior orders denying Universal's, Arenas's, and Pozo's motions to compel arbitration, and to enter a new order granting those motions. Costs on appeal are awarded to appellants.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

April 22, 2008 (Continued)

DIVISION FOUR (continued)

B192619 People v. Darren K. Collins (Not for Publication)
B201190 In re Collins on Habeas Corpus

The judgment is affirmed. The petition and amended petition for writ of habeas corpus has been read and considered and is denied for failure to state sufficient facts demonstrating entitlement to the relief requested. (See People v. Duvall (1995) 9 Cal.4th 464, 474-475.)

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

DIVISION FIVE

B198732 People (Not for Publication)
 v.
 Christopher Kottenbrook

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B197333 People (Not for Publication)
 v.
 David Mariscal

Affirmed in part, reversed in part and remanded.

Mosk, J.

I concur: Armstrong, J.
I dissent: Turner, P.J. (Opinion)

April 22, 2008 (Continued)

DIVISION SIX

B195779 People (Not for Publication)
v.
Beverford

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.,
Coffee, J.

Each of the following:

B191097 Kudler v. Savvy Enterprises, etc.
B196524 People v. Gabriele
B201334 Department of Social Services v. Errin M.

Filed order denying petition for rehearing.

April 22, 2008 (Continued)

DIVISION SIX (continued)

B198863 People (Not for Publication)

V.

Juan G.

Filed order modifying the opinion and denying petition for rehearing (No Change in Judgment).

DIVISION SEVEN

B189567 Zanone (Certified for Partial Publication)

V.

The City of Whittier

The judgment is affirmed. Zanone is to recover her costs on appeal.

Perluss, P.J.

We concur: Zelon, J.

Wiley, J. (Assigned)

B198854 Sadeghpanahi (Not for Publication)

V.

Ghadiriabyaneh

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.

Woods, J.

DIVISION SEVEN (continued)

B201650 Los Angeles County, D.C.S. (Not for Publication)
v.
Esperanza A.

The order terminating parental rights under section 366.26 is reversed and the matter is remanded to the juvenile court with directions that within 30 days of the remittitur, pursuant to ICWA and rules 5.481 and 5.482 of the California Rules of Court, DCFS investigate and provide the appropriate tribe or tribes of the Bureau of Indian Affairs with proper notice of the pending proceedings.

If, after notice is properly given, no tribe responds indicating that Adrian M. or Angel R. is an Indian child within the meaning of ICWA, the court shall reinstate its order terminating parental rights. If a tribe determines that Adrian M. and/or Angel R. is an Indian child and seeks to intervene in the juvenile court proceedings, the juvenile court shall vacate the relevant orders and conduct all proceedings in accordance with ICWA and the California Rules of Court.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B202537 People (Not for Publication)
v.
Reymundo

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

April 22, 2008 (Continued)

DIVISION SEVEN (continued)

B196889 People (Certified for Publication)
v.
Margarejo

The judgment is affirmed.

Wiley, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

B201611 Los Angeles County, D.C.S. (Not for Publication)
v.
Dawn B.,

The appeal is dismissed.

Wiley, J. (Assigned)

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B193192 Wanda Armstrong (Not for Publication)
v.
Burbank Unified School District

The judgment (order of dismissal) is reversed. The cause is remanded to the trial court with instructions to vacate its order and to issue a new order sustaining the demurrer of Burbank Unified School District to Wanda Armstrong's complaint with leave to amend the complaint. Armstrong is to recover her costs on appeal.

Egerton, J. (Assigned)

We concur: Cooper, P.J.
Flier, J.

April 22, 2008 (Continued)

DIVISION EIGHT (continued)

B199959 Los Angeles County, D.C.S.
 v.
 Nancy S.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed June 15, 2007) dismissed.